



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553

Telephone: (845) 563-4615

Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

WEDNESDAY — DECEMBER 14, 2005 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: OCTOBER 26, 2005 AND NOVEMBER 9, 2005

ANNUAL MOBILE HOME PARK REVIEW:

- a. SILVER STREAM MOBILE HOME PARK

PUBLIC HEARINGS:

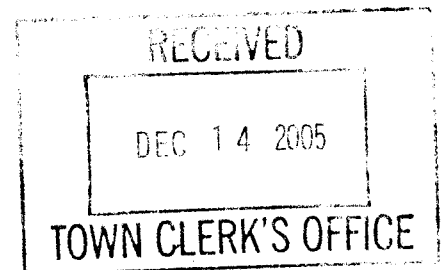
1. **PIARIA SITE PLAN (05-27) SILVER STREAM ROAD (SHAW)** Proposed construction of 9,800 sf building along with a 5,180 sf truck canopy and 22 parking spaces.
2. **QUICK CHEK (05-16) CORNER UNION AVE & RT. 32 (GENESLAW)**
Proposed Quick Chek Gasoline Service Station.

REGULAR ITEMS:

3. **AMERADA HESS CORP. (05-10) UNION AVE. & RT. 32 (HARPER)** Proposed renovation of existing Dairy-Mart to Hess gas station.

DISCUSSION

ADJOURNMENT



(NEXT MEETING – JANUARY 11, 2006)

December 14, 2005

1

TOWN OF NEW WINDSOR

PLANNING BOARD

DECEMBER 14, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JERRY ARGENIO
ERIC MASON
JOSEPH MINUTA
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

JENNIFER GALLAGHER
PLANNING BOARD SECRETARY

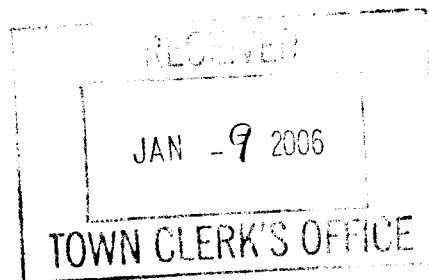
ABSENT: NEIL SCHLESINGER
THOMAS KARNAVEZOS

REGULAR MEETING

MR. PETRO: I'd like to call to order the December 14, 2005 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 10/26/05 & 11/9/05



December 14, 2005

2

MR. PETRO: Minutes dated October 26, 2005 and November 9, 2005, entertain a motion to accept them as written.

MR. ARGENIO: I'll make a motion to accept them.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written for those two dates. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

December 14, 2005

3

ANNUAL_MOBILE_HOME_PARK_REVIEW: _____

SILVER_STREAM_MOBILE_HOME_PARK _____

MR. PETRO: Annual mobile home park review. Mike, has someone from your department been to the site? Do you have any outstanding comments?

MR. BABCOCK: Yes, we have, everything seems to be okay there.

MR. PETRO: You couldn't find anything wrong? Do you have a check for \$670 for the Town of New Windsor? This is for one year extension. Motion?

MR. ARGENIO: I'll make a motion we give a one year extension to the Silver Stream Mobile Home park.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Silver Stream Park. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PUBLIC HEARINGS: _____

PIARIA_SITE_PLAN_(05-27) _____

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Piaria site plan, Silver Stream Road, proposed construction of 9,800 square foot building along with a 5,180 square foot truck canopy and 22 parking spaces. I'm losing my voice, folks, so bear with me, please, if you can't hear me, just yell and I'll try to talk louder. The application proposes construction of 9,800 square foot structure with 5,180 square foot canopy with associated site improvements. The plan was previously reviewed at 28 September, 2005 meeting. The application is before the board for a public hearing. It's in a PI zone district of the Town, plan indicates that proposed use is special permit, the site easily complies with the minimum requirements and is adequate, parking based on the parking calculation on the plan. Okay, Greg, tell us what you're doing.

MR. SHAW: Thank you, Mr. Chairman. As we mentioned, the project is on Silver Stream Road north of Route 207, our project is situated where it butts up to the Thruway to the rear of the property and across from the property is a wooded area of Stewart Airport. Silver Stream Road as you're aware is kind of a mixed area, it's a Planned Industrial Zone, there are industries on Silver Stream Road, there are also some residences on Silver Stream Road. The parcel area is 4.2 acres which far exceeds the minimum 40,000 square foot that we're required to provide for this particular lot. We're proposing to install a 9,800 square foot industrial building for a steel fabricating facility along with that a 500 square foot office and a truck canopy of about 5,180 square feet. Parking for this site will total 42 parking spaces, the facility will have a total

of five employees. Steel fabrication is different today than what it was years ago, it's now done by computers and robotics, not with welders and by a gentleman behind a keyboard with steel moving up and down an assembly line and that's how the steel is fabricated. The parcel will be serviced by the Town of New Windsor sanitary sewer system and also the Town's water system in accordance with the Town Code, the building will be sprinklered. We'll be disturbing over one acre of land with respect to this parcel so we'll be obligated to obtain a SPEDES permit. You'll notice with the design of the storm drainage system we have complied with the provisions of the DEC, not only are we detaining storm water flows up to 100 years but are also incorporating a storm water sand filter, the filter to filter and treat the storm water before we discharge back into the road side drainage swale where the water is presently flowing. That's a brief overview, Mr. Chairman.

MR. PETRO: Did you do a full SWPPP on this?

MR. SHAW: Have you done one? No, not yet.

MR. PETRO: Mark, this was sent to Orange County Planning Department back in August, we don't have anything back from them that you're aware of?

MR. EDSALL: I wasn't sure of the date of the referral to be honest with you.

MR. PETRO: 8/22/05.

MR. EDSALL: Was that the circulation for lead agency?

MR. PETRO: No, we took lead agency 8/22/05.

MR. EDSALL: No, I'm not sure, we'd have to check with Ray to see when specifically the referral went over, I'm not aware of any response at this time.

MR. PETRO: We took lead agency on 9/20/05, okay, so we'll look into that then, right, see what's going on.

MR. EDSALL: Yeah, we'll need that prior to stamp of approval, obviously.

MR. PETRO: Any comments before we open it up to the public?

MR. ARGENIO: There was an issue about the slope on the driveway, Mr. Shaw, have you addressed that and if you have, how have you addressed that?

MR. SHAW: Yes, I have, I have flattened that out, I have also flattened out some of the parking spaces and I even relocated some of the parking spaces out of those areas that may have been in question.

MR. ARGENIO: What's the slope of the entrance drive?

MR. SHAW: Don't know, he'd have to put a scale to it.

MR. EDSALL: I don't believe that's changed that much from the original plan, I know Greg and I were discussing it.

MR. SHAW: It has flattened out.

MR. ARGENIO: There was an issue.

MR. EDSALL: There was and I asked him to try to maximize the areas in the parking lot where he could drop the slope down as close to 5 as possible, that's what we really were working on.

MR. ARGENIO: Do we need 5?

MR. EDSALL: We don't have to have 5 but I asked him to give his best effort and he was able to flatten it out

a bit.

MR. PETRO: Let's open it up to the public. On the 23rd day of November, 2005, 17 addressed envelopes went out with the notice of public hearing. Someone is here, would like to speak for or against, just make comment on the application, be recognized by the chair, come forward, state your name and address and your concerns. Is there anyone here? Yes, sir?

MR. REINHOLD: Keith Reinhold, right next to the property. I can think of a lot of concerns, namely the environmental form, you filled out the short form, there's, I have a copy here, several questions on there which I feel have been answered no when they should have been yes. One of them is impact to the neighborhood, they said no, he said, Mr. Shaw said that Silver Stream Road is a mixed area, there's four businesses that I know of on the street, right on the entrance to the street is the hydraulic company has very little impact on most of the people that live on the road, at the other side is the Verizon telephone building, we never see any activity there, there's a car repossession business next to the hydraulic company, they just park cars there and the end of the road is a storage facility which I guess there's some traffic up and down the street, this is a major escalation putting this right in the middle of the street, this is going to go between two houses, mine, actually, there's property behind mine which is the house next door that also abuts it so it's going to affect three people immediately.

MR. PETRO: Show me where you live on the map.

MR. REINHOLD: I live right here next to this pond, this is our land, the house is here, there's a house here and then this land wraps around, it belongs to this house here which abuts it as well, so I don't feel that it is correct to say no when you know the question

on here will it affect the quality or the community character, sure it will, you can't say no to that. The other one is traffic, okay, he said only five employees which is good news but anybody who lives on the street, I don't know how many people here live on the street but trying to get out of the street anywhere from 3 to 7, 6, 7 in the evening is very difficult so I'm not sure how many trucks we're talking about with the truck canopy or what kind of traffic but it's only going to make it worse.

MR. PETRO: You just described every street in Orange County, you realize that?

MR. REINHOLD: But Silver Stream Road if you're familiar is just off the Thruway overpass which is right by the intersection of 207 and Union Avenue, it's very difficult, cars turn right coming off Union Avenue and it's a never ending stream if you want to get out of the road to turn left is very difficult, lot of times you have to turn right, go into the parking lot at My Place or one of those and then turn cause otherwise you can't get out. But what I am getting at here is we talked to an attorney just to see what a, Jacobowitz, and he informed us really on a project like this you should do the full environmental form because it's more than just saying no to a few questions that won't impact things, it surely will, it's going to affect, what about the length of time to build this and erosion and there's a lot of things to consider which is what this long environmental form is designed to do.

MR. PETRO: You're not doing erosion control plan, are you?

MR. SHAW: If the erosion control plan is complete and is part of the drawings, Mr. Chairman.

MR. PETRO: This is PI zone?

MR. SHAW: Correct.

MR. PETRO: Planned industrial?

MR. SHAW: Planned industrial.

MR. REINHOLD: It's a 4 acre lot in the middle of the neighborhood with a factory, I think that has an environmental impact, I think it merits more than just this simple answering no to all the questions.

MR. PETRO: How did the house get built in a PI zone?

MR. BABCOCK: Pre-existing.

MR. REINHOLD: Oldest house on the street was built in the '50s, my question is how did a street with houses get zoned PI, that's my question. I have no idea but there's I believe 11 residences on the street and there's only four businesses and like I said they're at either end of the road so it's a major change to the street no question about it.

MR. PETRO: That's good information.

MR. REINHOLD: So I really feel at least that long form should be done so that the board can have some better information and determine if you're going to allow this special use.

MR. PETRO: Mark, how would you answer that?

MR. EDSALL: Which?

MR. PETRO: About the long form.

MR. EDSALL: It's an option the board has when you have a number of questions raised at the public hearing a lot of times to get more information you may feel that a long form would provide that information in a written

form as far as it being a Type I action or something that would demand a full EAF, it doesn't, it's discretionary at the board's decision. So if you want more information that's a way to get it, if you believe you have enough information from the input from the public and from viewing the plan then you can work off the short form, it's purely your choice.

MR. PETRO: Other than the traffic, what did you feel the impact was?

MR. REINHOLD: Well, it's basically a residential street and now we're putting in a business right in the middle.

MR. PETRO: You're saying it's a residential street and maybe in reality it feels that way because you have 11 residents you said and four businesses.

MR. REINHOLD: There's 11 I guess actually 12 residences, there's 11 houses.

MR. PETRO: Point I'm making when we look at the map and first thing I ask and always ask is what's the zone, it's a permitted use in the zone, it's a PI zone, so you say it's basically residential, that's not what the law is saying, it's a PI zone, he's complying with the law, the houses are not complying with the law even though you're pre-existing.

MR. REINHOLD: But it does require a special use permit and your determination whether you're going to permit to that use and so you need to have as much information as possible to make that decision.

MR. PETRO: Won't argue that point, you're correct.

MR. REINHOLD: I don't think you can do that when whoever filled out the form says no to every impact possible on the form. I think there's a lot more to it

than that and it says right on the long form it's designed to help you make that decision by having all the pertinent information that's available.

MR. PETRO: I agree with what you're saying, I can just I'm envisioning going through, okay, Mr. Shaw we heard the people speak tonight, let's say there's four or five going to say the same thing now we want a long form, I can see at the end of the long form nothing is going to change except they're going to still build that there, you're still going to have the same traffic, it's a permitted use in the zone, I think if we do the best job that we can do because nothing is going to change, what are we going to change?

MR. REINHOLD: I don't know but I don't think you have that information to make that decision, what if they wanted to build something ridiculous there, how would you, what if there's going to be trucks coming up and down the street at 3 in the morning?

MR. PETRO: Well, he'd have to give us that information. Right now he's saying the traffic is five employees, what other type of traffic?

MR. SHAW: What other type of traffic?

MR. PETRO: Yes.

MR. SHAW: Hours of operation would be from 8 to 5, five days a week, maybe six, so for the record I'd have to say six days a week not seven and the hours would stop at 5 o'clock.

MR. ARGENIO: How many trucks a day typically?

MR. SHAW: Excuse me, let me ask my client. Two.

MR. REINHOLD: What kind of trucks?

MR. PETRO: Well, again, though Greg we have to, you have to be fair to the people too because that's just this particular owner at the particular time, he can build this and sell it in three months and whatever, whoever in the PI zone has something that has 30 trucks a day, it's not nice that he's telling us it's two trucks but you have to look at all options.

MR. SHAW: But again it's not a really big facility, if I was given 30,000 square foot steel fabricating facility you look at it and say there's a lot of potential to pump out a lot of steel, it's not a very big building.

MR. REINHOLD: Well, the questions are all on the long form what kind of vehicle traffic, that stuff's all on there. Noise levels, what kind of noise is this going to have?

MR. PETRO: How difficult is it to fill out the long form?

MR. SHAW: It's not that difficult to fill it out, I would have to question whether if you go through the exercise of filling it out whether that would be satisfactory once that's reviewed but if the board wants it filled out I'll fill it out.

MR. PETRO: I want to hear more then.

MR. REINHOLD: The other thing is that pond, how big is that? It's hard to tell the scale of that looks pretty big, that's right on my property line, you know, mosquitoes, what are we going to have with this pond?

MR. ARGENIO: It's a big issue that's global and not only the Town of New Windsor, every other town in Orange County, I'll take it to the next level, every other county in New York State, it's something that's mandated and again, I've heard Mark and the chairman

enunciate this a dozen times, it's mandated by the Federal government, it's retention of the first and Mark jump in if I misspeak, it's retention of the first inch of runoff for a 24 hour period and the way they do it is with ponds and it's certainly, certainly an issue, it's an issue that we have wrestled with as a planning board for as long as I've been sitting here.

MR. PETRO: I'm a hundred percent against it, nothing we can do about it.

MR. ARGENIO: The things that we've done in the past is we have compelled owners to put bushes and stuff around them, shrubberies, fences, different things to eliminate the eyesore, but if you're going to ask about the mosquitoes, I don't know what the answer is.

MR. REINHOLD: Now we're talking West Nile virus and now you're going to put this right next to my house, I read in the minutes there's an alternate way to deal with the runoff.

MR. PETRO: What's that?

MR. REINHOLD: An underground system he mentioned but he said it was cost prohibitive.

MR. PETRO: I usually don't allow them because they don't work. They only work in my opinion for a certain period of time.

MR. ARGENIO: How do you clean it?

MR. REINHOLD: I gathered from the minutes there's an alternative way to deal with it, other than having a big pond.

MR. PETRO: It's a real bad idea, that's worse than the ponds, don't know if you own any properties or buildings but have you ever tried to get anybody to

change a filter in your ceiling that costs about 80 cents? Can you imagine having somebody clean out an underground system under your parking lot?

MR. REINHOLD: What should be done and what people are willing to do are two different things. There's a lot of things we don't like to do, I don't like to change the oil on my car as often as I should.

MR. PETRO: It will never happen, it's like writing a lease with somebody, here's your lease. You know what that lease means? Nothing. Anyway, okay, we're off the subject. I think the pond I can't do anything about, state mandated, it's there now, the Town if you call the Town there's a bug problem, correct me, Mike, the Town will look into any problems because they're going all over Town, these ponds and the Town will investigate it and do what they can about the bugs and mosquitoes but that's the location, correct?

MR. SHAW: Correct.

MR. REINHOLD: The other thing was you have a truck canopy with no access other than through the building, that seems to be a bad idea to build something like that if as you mentioned what if it's sold to someone else, it doesn't seem like a very good design, it's going to be sitting there.

MR. ARGENIO: What's the idea with that, Greg, that's a bit of an odd thing?

MR. SHAW: It's my client's preference to have the trucks brought through the building and to store them within that canopy, sometimes maybe they'll have steel on them, raw steel that are brought to the site and then have the steel brought into the building, have it fabricated, have the trucks emptied, brought back under the canopy and when they're ready to be shipped out have the trucks brought into the building again and to

have the steel placed on stop of the trucks and have them taken out through the front and to the point of ultimate disposition.

MR. REINHOLD: Aren't you doing it that way because of the size of the lot? It's not that that's a better way to do it, it's that the lot isn't really big enough.

MR. SHAW: Sir, I can only tell you what my clients asked me to do.

MR. REINHOLD: You're trying to fit the building onto the lot.

MR. SHAW: I have no response to that.

MR. REINHOLD: Okay.

MR. PETRO: Okay, the retaining wall in the back, how high is that retaining wall? Just happened to notice it, there's going to be a fence on the top? What's the height?

MR. SHAW: Going to be five feet high.

MR. PETRO: What do you have on the top of it?

MR. SHAW: Just dirt.

MR. PETRO: We'll get back to it after the public hearing. Anything else?

MR. REINHOLD: Another question was are they tractor trailers, are they what kind of trucks?

MR. SHAW: They're short length trucks exclusive of the cab probably about 25 feet in length.

MR. REINHOLD: Cause I'm just wondering how they make the turn that's it's not a very wide road.

MR. PETRO: We looked at that before, we had a grading problem there also that's been worked out.

MR. REINHOLD: And I think the road, you know, is not really suited for too much truck traffic but I guess that's the Town's problem.

MR. PETRO: I think the road not being suitable for tractor trailers is probably a good thing in the future.

MR. REINHOLD: Probably is.

MR. PETRO: Probably preclude them from anybody with that type of business from looking at the site or trying to go in the site. One thing you said about the retention pond I agree a hundred percent but there's just when you get a state mandate and you're told what to do it frustrates me up here especially cause, you know, they're all over Town.

MR. REINHOLD: I understand I'm really I think though you cannot simply answer no to these questions and not do a long form.

MR. PETRO: I didn't say no yet but I want to see what somebody else says.

MR. REINHOLD: I'll sit down.

MR. PETRO: More support to your comments.

MR. REINHOLD: All right, thanks.

MR. PETRO: Thank you. Yes, sir?

MR. PALAZZO: My name is Chet Palazzo, I live across the street diagonal to this. What's going to be built?

MR. PETRO: I know where you live.

MR. PALAZZO: I understand it's zoned PI, my only question is steel fabricating plant, there are going to be steel trucks, steel trucks are not light, they're heavy, that road's not built for the weight, it's a glorified tar and chip, it's not blacktop, it's not going to stand up to truck traffic, there's no drainage, it floods now where it rains I understand it's going to go into the pond but it's going into a drainage ditch, there's no catch basins, no underground drainage.

MR. PETRO: Retention pond, correct?

MR. SHAW: Yes.

MR. PETRO: Basically the water's going to be let out the same rate it's on the property.

MR. PALAZZO: That road wasn't built for truck traffic, if they want to put up a bond for the road to fix the road when it gets tore up that would be an option.

MR. PETRO: It's a Town road, correct, so the Town would have to maintain the road.

MR. PALAZZO: Right, but five years down the road I mean I don't know if you remember when Fellicello's (phonetic) hauling sand up to the dump that turned into a dirt road, Bob Pissacano (phonetic) had to go to the County to get it repaved, the potholes were this deep, that's what truck traffic is going to do to the road. That's the only complaint, basically everything else if he's complying to all the laws there's not really nothing we can do except for the truck traffic, we've got young kids, every one of the families who live right around have young kids with all the truck traffic going up and down there.

MR. ARGENIO: Chet, is your house directly across?

MR. PALAZZO: It's diagonal.

MR. ARGENIO: Toward 27 or away?

MR. PALAZZO: Towards 207. Hours of operation?

MR. PETRO: What were they?

MR. SHAW: Eight to five six days a week, maximum.

MR. PALAZZO: Did he tell you how many trucks?

MR. PETRO: He can sell it in a week and be a different business doing 30 trucks so you have to look at all aspects.

MR. PALAZZO: They're going to deliver bulk steel on straight trucks, bulk steel is delivered on tractor trailers, you don't make money hauling 20 ton when you can haul 40 ton, he's hauling bulk in, its cheaper to haul it in on a tractor trailer than it is on a straight truck, you can't pull out on the road with a tractor trailer.

MR. PETRO: He has every right to the road as everybody else, I can't do anything about it.

MR. PALAZZO: Where you guys, the Town is going to have to pay for the road when the road gets broke up.

MR. PETRO: Probably, yes.

MR. PALAZZO: Okay, I mean, I think there should be more like the long form environmental study should be done a little bit further.

MR. PETRO: We're not ruling that out.

MR. PALAZZO: It's not really a place for that type of factory in between three or four or five houses, residents right there, there's other places in the Town, I understand it's zoned PI but I don't think it's the right place.

MR. PETRO: You're saying logically it's not the right place, the law is saying that's where it goes there.

MR. PALAZZO: I know that's what I just said.

MR. PETRO: That's why we're looking at it.

MR. PALAZZO: Thank you.

MR. PETRO: Yes?

MS. PALAZZO: I'm Debbie Palazzo. My question is the width of the road, I'm at home, I see the cars that are coming up, they're all residential cars, there are cars that come along, trucks that pull up our road, not knowing it's a dead-end road, they can't turn around, school buses have trouble turning around in this exact spot every day we have some sort of grid lock situation with residential vehicles, I don't see how a fire truck is going to make a turn there when we have an emergency, problems on the road which we've had there's been complete grid lock, cars can't get by, they can't turn with the ditches on either side, it just drops off. I don't see how any type of larger vehicle, I mean, I don't know feet wise but the road just doesn't seem big enough.

MR. PETRO: I have fire approval on 12/14/05 previously noted plan reviewed as of 12/14/05 problems worked out with fire inspector, I have to go by this here.

MR. BABCOCK: How about highway, Mr. Chairman, do you have anything?

MR. PETRO: Highway's under review so the Highway has not approved, I have the, he's still looking at it. Anyone else on this subject? Motion to close.

MR. ARGENIO: I'll make the motion to close the public hearing.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the Piaria site plan public hearing on Silver Stream Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'll open it back up to the board for any further comment. Greg, you have to do the SWPPP.

MR. SHAW: Yes.

MR. PETRO: And that's the storm water discharge from the quality basin.

MR. SHAW: Yes.

MR. PETRO: We have to hear back from Orange County Planning, Highway, and I'm going to poll the board, what do you think about the full environmental being it's a PI zone right in the center of a lot of homes, I mean, I grew up there, he's telling the truth, it's all houses except for Stillwagon on the corner, you can't even count the phone place, it's really on 207. Any

comment?

MR. MASON: I think it probably would be worth looking into, Mr. Chairman.

MR. GALLAGHER: I agree if there's residential surrounding it.

MR. MINUTA: I'm in agreement with the full EAF.

MR. ARGENIO: I think that Chet Palazzo represented it pretty well, unfortunately, every zone ends somewhere and I agree, I think we should examine it a bit and Jim it may have not affect the final outcome but at the very least it's been examined.

MR. PETRO: Yes, Greg, where are you, so you hear the temperament of the board, let's look for a full environmental impact statement.

MR. EDSALL: Full environmental assessment form.

MR. PETRO: Correct and we'll look at it.

MR. ARGENIO: And the main thing is the traffic, Jim, that's the flavor I'm hearing from everybody, at least that's my issue. I know Chet and Debbie have a young son and I'm sure some of these other people have young children, that's my issues relegated to that.

MR. PETRO: I think that this, if I can just, is not going to be a major problem but I think that we're going to be granting this approval to a piece of property not to that man. Follow my point? Same as the zoning variance, doesn't go to the owner, goes to the section, block and lot number. He can sell it in two months and somebody is going to come in with tractor trailers, 40 trucks a day, we don't know that. So let's take a good look at it. I understand the pond has to go there if it's something we can't do anything

about we can't do anything about it.

MR. SHAW: We'd love to eliminate it but we can't.

MR. PETRO: I'd love for you to eliminate it so let's do the full EAF and go from there. Okay?

MR. EDSALL: Can you acknowledge being this is a special permit use and you're proposing specific hours, could you just add those hours in on a note, just verify with your clients, add the hours of operation on the plan?

MR. SHAW: Absolutely.

MR. PETRO: Greg, after the EAF is complete what we're going to do in the meantime I'd like to hear back from the Highway Department also.

MR. SHAW: Okay, so we're really waiting for the Highway Department and the County and the EAF.

MR. PETRO: Correct.

MR. SHAW: Also I have to prepare the SWPPP.

MR. PETRO: And the fire department, are they aware that the only access to that canopy is through the building?

MR. SHAW: Yes, absolutely, I sat with Bob Rogers myself.

MR. EDSALL: John McDonald.

MR. SHAW: And made every change.

MR. PETRO: Bobby Rogers doesn't work here so it must be somebody else.

December 14, 2005

23

MR. SHAW: I'm sorry, we even put passage doors on the sides of the building for fire access into that building.

MR. PETRO: Retaining wall in the back needs a cap, a wall.

MR. SHAW: Yes, I'll provide that.

MR. ARGENIO: Or fence.

MR. PETRO: Fence.

MR. SHAW: I'll take care of that.

MR. PETRO: Thank you.

QUICK_CHEK_(05-16) _____

Howard Geneslaw, Esq. appeared before the board for this proposal.

MR. PETRO: Proposed Quick Chek gasoline service station. This application is for the development of a convenient store and gas station at the corner of Union Avenue and Route 32. The store also has 16 food sales seating, the plan's been previously reviewed at the 26 October, 2005 planning board meeting, the application is before the board for a public hearing at this meeting. You had a public hearing at the zoning board?

MR. GENESLAW: Yes.

MR. PETRO: And what was the attendance there, do you remember offhand?

MR. KRIEGER: Yeah, there were ultimately two or three spoke in favor of it.

MR. PETRO: The planning board issued a lead agency coordination letter on 6/13/05 and assumed lead agency on 10/26/05, we did send it to Orange County Planning Department on 11/22, we've not heard back. Mark, you don't have anything, do you?

MR. EDSALL: No.

MR. PETRO: We'll see how far we go and that's going to run out in a week anyway. Convenient store with gasoline station is a special use permit number 7 in the NC zone, the application received a variance in connection with as well as variances for signage area. Details concerning the sign variances are listed on sheet 3 of the drawing set, no responses as I said. Why don't you go over quickly one more time, tell the board what you want to do very briefly cause we've seen it so many times.

MR. GENESLAW: Sure, my name is Howard Geneslaw, I know we've been here a few times before so rather than go through a description of the company and the use, I'm going to ask our engineer to specifically focus on the site plan and revisions that have been made since we were last before the board.

MR. MARTEL: Good evening, Jeffrey Martel, I'm a design engineer from Bohler Engineering. The application before us today of course for Quick Chek Corporation, the application specifically is for a 7,195 square foot Quick Chek Foods store which is the light tan in the center of the board, in addition there's a full dispensing canopy even lighter tan in front of it which houses a total of 16 fueling positions comprised of 8 regular pumps for standard automobiles as well as two low flow diesel pumps, I stress low flow, it's not intended to be a truck facility in any way, shape or form, hasn't been designed that way, it's not the type of business that we're promoting. The low flow diesel is for diesel trucks, et cetera, and some of the larger automobiles on the road. In the rear of the site there's a 25 x 50 proposed car wash, it's intended to be an automated type car wash with a machine or small coin machine out front for payment. There's no detailing of any kind associated with the car wash, no actual people working at the car wash drying cars, et cetera, it's intended rather just to come in, get your car washed and continue on. And in association with the car wash there's also two air and vac pads located in the top left corner of the property, again, the vacuums are intended to accompany the car wash. As far as access to the property, everybody is familiar with the existing conditions but in its current condition there are two driveways on Route 32, we're proposing to consolidate one driveway located at the northern end of the property for the presentation of I'll use north as the top of the page running with Route 32, the one existing or the second additional driveway that exists

under current conditions is approximately 70 feet from the intersection, the one driveway that we're proposing approximately 147 feet so we're more than doubling the distance for access onto Route 32, the access on Union Avenue or Orange County Highway 69 we propose two driveways, there are three driveways in the current conditions and driveway that I want to spend, draw special attention to is the driveway closest under existing conditions to the intersection of Route 32 and Union Avenue, that driveway actually has a zero foot setback from the intersection. What we're proposing to do is reduce the total number of driveways from 3 to 20, provide 82 foot corner clearance which now brings us into compliance with the zoning and also we also have eliminated left egress out of this driveway. So the driveway closest to the intersection cannot make a left out of this site, you can make a left in, you can make a right in and you can make a right out but you can't make a left out of the site, that was designed to avoid conflicting movements associated with the turn lanes in the intersection. So we feel it's an improvement as far as access.

MR. PETRO: I heard enough good stuff, let's get to some of the bad stuff.

MR. MARTEL: Fair enough, as far as--

MR. PETRO: The plan calls for rerouting of the sewer main through the site, the new main must be installed and tested before the existing main is removed, how do you plan on doing that?

MR. MARTEL: The existing main runs essentially from Hillside Avenue through the property, runs right through in between into the parking lot with a manhole, continues onto Union Avenue, the proposal of course or I should say the existing line would run right through of where we're proposing to put the food store, we're running it down the property line, across the frontage

back into the same line in which it came from right near the intersection of Union and 32, associated with that main relocation we'll be granting easements to the Town, that's important to recognize cause the current main there are no easements in place. So this main is currently on private property with no sort of maintenance agreements between the property owner and the Town. What we're proposing to do is provide the easement on our property necessary as well as we have talked to adjacent landowners and they'll provide a portion of the easement on their properties as well.

MR. PETRO: Realize this will have to be done before you start building a new building?

MR. GENESLAW: When we attended the work session, Mr. Edsall asked that we come to the public hearing with preliminary indications from the property owners, I do have signed not raised statements this the owners of our site and from lot 24 and lot 27 all indicating that they're prepared to grant the easement in question.

MR. PETRO: Give it to the attorney, please. That's that SPEDES permit for the car wash you realize you're going to have to do that?

MR. MARTEL: Correct.

MR. PETRO: We went over a couple of the entrances, Mark, the first three bullets, do you have anything you want to discuss with those?

MR. ARGENIO: Seems as though a lot of that is mechanical.

MR. EDSALL: That's simple fixes except for the third bullet just I had an opportunity to look at this with the building inspector and the way the sign ordinance is set your directional signs used to help move traffic in the appropriate direction and give guidance to

operators of vehicles who are exempt from being counted for square footage, however, I don't know that that's intended to create a proliferation of little signs all over the Town. In this particular case, you've got two signs that I believe need a variance that are 15 foot high that clearly identify the site as being for Quick Chek and you've got on the canopy you've got signs that identify the site as Quick Chek so we believe that the six enter and exit signs just aren't needed, they tend to be signs that fall in the disrepair because they're close to the road, they're impacted with snow plowing, they just become a nuisance and secondly, we just don't think they're really needed to direct traffic.

MR. PETRO: Did you get a copy of Mark's comments?

MR. GENESLAW: He just handed us one.

MR. PETRO: The smaller items such as the sign first one with the handicapped detail says no parking at any time, sign's directly in front, has to be removed and relocated, these are things that you can work out with Mark and not take up more of the Planning Board's time.

MR. EDSALL: I'm just looking for concurrence that you believe there's adequate identification to get into the site, that those directional signs be needed keeping in mind that none of these three accesses are one way that you have to separate incoming and exiting traffic, they're all two-way accesses.

MR. ARGENIO: I agree with you, Mark.

MR. PETRO: Be like going down the Thruway and the sign says this way, kind of don't really need that.

MR. ARGENIO: Stop here, right.

MR. EDSALL: You don't need it.

MR. GENESLAW: They're three square foot, they're fairly small and the intent is to help identify the location of the driveway, help facilitate movements into the site, whereas the larger freestanding pylon signs are more intended to attract people to identify the use that's taking place on the property as opposed to helping to guide them into the driveways.

MR. PETRO: Trying to find a happy medium here because too many signs we get complaints in the Town.

MR. EDSALL: I think the answer is every driveway in the Town of New Windsor doesn't have these signs and people seem to negotiate and understanding that that's the driveway to get to where the building is located.

MR. ARGENIO: They seem to be able to figure it out.

MR. MARTEL: May we suggest a compromise making them a little bit smaller eliminating Union and keeping them on 32 which is, facility is intended to service Route 32 traffic as opposed to Union Avenue maybe allowing those the to remain, reduce them to two square foot?

MR. PETRO: Make him happy with the signs, I don't want to get into it.

MR. BABCOCK: They say Quick Chek, not just entrance.

MR. ARGENIO: That's why they want them, there had to be something else there, Mike.

MR. BABCOCK: There's 1, 2, 3, 4, 5 of those along Union Avenue.

MR. MARTEL: Mr. Valario from Quick Chek has indicated that we'll be eliminating the enter and exit signs.

MR. EDSALL: One of the reasons I feel it will work is that the canopy for the full island is out far enough

that that will help and that's got good elevation and that's specifically why we excluded them from the square footage.

MR. PETRO: Make him happy with the signs because I sign the plan, when I go to sign the plan, he says it's ready then I'll sign the plan. Okay?

MR. MINUTA: Is there a reason why we're having two means of ingress on Union?

MR. MARTEL: Simply just for ease of circulation around the site, you know, site is intended to be convenient, it's a food store intended for convenience, you see larger drives as easy ways to get on and off the site, you know, we feel that that's just going to help in the internal circulation of the site, internal congestion allowing people to get out of the site after they have their gas or gone to the food stores, allowing people to get off rather than having to make an extra movement and add possibly extra congestion going around the store, things of that nature.

MR. MINUTA: Functionally that works for you, that's fine, typically, I find it more confusing to have two entrances so close to each other on the same side of the road, I think it adds to the congestion at the entrance and exits to the site. That's just my opinion.

MR. PETRO: Mark, do you have anything else that you want to talk about other than what's on these sheets?

MR. EDSALL: No, to be honest with you, they have been very cooperative, than plan reflects a lot of discussions from the workshop.

MR. PETRO: This a public hearing so I'm going to open it up to the public for Quick Chek corner of Union Avenue and Route 32. On the 29th day of November, 72

addressed envelopes containing the notice of public hearing were mailed out. Would you like to speak for or against, just make comment on this application, be recognized by the chair, come forward and state your name and concern. Does anyone want to speak?

MR. ARGENIO: Inasmuch as there's no hands shown, I make a motion we close the public hearing for Quick Chek Food Stores.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the Quick Chek public hearing. Any further comment from the board members? If not, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I'll open it back to the board members for any further comment. I think we've discussed everything, we've seen this a number of times, we've sent it to the zoning board, they've received what they needed there with their thousand foot separation and their variances that are on the plans. Is that correct?

MR. GENESLAW: Yes, the variances are noted on the plan.

MR. PETRO: There's about another week before we hear back from Orange County Planning Department, at this time, I'm willing to make that a subject to final approval if something comes back from them and say

problem or has to be reopened.

MR. EDSALL: Mr. Chairman, the Planning Department had responded twice.

MR. ARGENIO: What did they say?

MR. EDSALL: They disapproved it based on the fact that the plans submitted didn't comply with the code, well, of course it didn't, that's why they were sent to the ZBA.

MR. PETRO: They may be unaware of the variances that were granted but this time it was sent with the variances.

MR. EDSALL: Correct, so you've got their reasons to oppose it delineated, if those are all addressed, you have the option of under 239 to vote with a super majority and just say that you believe all the issues that they were concerned about have been addressed by actions of both boards.

MR. PETRO: The one we mailed on 11/28 addressed the ones they disapproved.

MR. ARGENIO: I don't understand how does that relate to comment number 4, Mark?

MR. EDSALL: What I was saying we hadn't gotten back a positive statement as of yet but you can still given the fact that you've gotten a response and if all the issues have been addressed you could vote to approve it with a resolution indicating why you're taking such action, let's not say contrary but in recollection of what you've heard from the County.

MR. GENESLAW: Report from the County that was issued on June 28, the one that Mark referred to in the report did cite the need for variance relief and then after

doing so went on to say having no further comments from the County with respect to the department has no further comments and recommends that the planning board proceed with its decision making process.

MR. ARGENIO: You're reading from that letter?

MR. GENESLAW: Yes, that wasn't and I was just reading a concluding paragraph so the only comment of substance they have was to note that a variance was required and therefore it should be disapproved. We have now obtained the variance so the only comment that they had identified has since been addressed.

MR. PETRO: We mailed it to them on 11/22 so they have it. The SWPPP revisions to the same we reviewed those generally acceptable, some minor corrections are needed, we'll include them in some of his bullets, Mark's bullets, so you have to clean them up too, you don't have to go over them, just take care of it.

MR. EDSALL: They're very minor.

MR. PETRO: Is there anything else of major nature?

MR. ARGENIO: I'll make a motion.

MR. PETRO: We need a negative dec first.

MR. ARGENIO: Declare a negative dec on the Quick Chek Food Store site plan on Union Avenue and 32.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Quick Chek on corner of Union Avenue and 32. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. MINUTA: Last meeting we were at we discussed the foliage to the, I believe it's the western portion of the site.

MR. ARGENIO: Foliage or landscaping?

MR. MINUTA: Well, both with regard to the Central Hudson station, that was a topic of discussion that we went into for quite some time and I was wondering what the resolution was for that. The second item with the advent of the new retail space that's gone up there in Patriot Ridge and the lighting are you planning for down lighting or wall lighting and my question goes to the point of glare coming down that hill at night there's a lot of glare coming from that and I'm wondering if that's been addressed?

MR. MARTEL: To answer your first question in regards to landscaping what was discussed last time at the hearing was the possibility of maybe screening the Central Hudson power station from our property, it's important to note that we're not really removing any wooded areas on our property, the woods that you're familiar with seeing are actually off our property. What's on our property is all lawn area, it's difficult to see but this dark green area represents the woods right in here, you're going to see it's just maintained grass, what we've done to supplement the existing woods is provide a row of six to eight foot evergreen trees along our rear property line, you can see that the existing wooded line is this kind of squiggly line that's remaining, we're not removing it, nothing to do

with the wall, our construction won't take down any of the existing mature trees. In addition to that, we'll be providing the supplemental landscaping, we actually did prepare an additional exhibit to hopefully show this a little bit better, this is the aerial that I was pointing to with the proposed rendering overlaid on top of it, what you're going to see from our property is of course the wall there's a 6 foot high board on board fence on top of that, you're not going to be able to see through it, it's attractive, you're going to see the evergreen row that we have planted and 50 feet of woods even way before you get to the power station. So if in order for anybody to really be able to see the power station it would really take a, this wall to be removed, the trees that we're going to remove and this woods probably thinned or removed altogether, as long as all of this is in place, we feel you're not going to be able to view the power station from our property. As far as your second question as far as the lighting proposed, I guess a variety of lights on site, all of which will be down lighting to light the areas, it's called a Greenbrier fixture, decorative shoe box directly down lit, the canopy lighting under the canopy is flush with the top of the canopy, actually used with diffused glass and that of course is probably the most sensitive to the roadway, the canopy being the closest light source to the actual road, it will be diffused glass and flush mounted with the top itself not the globes that you can see the element, you won't actually see the light, it will be directly shining down. There is a variety of wall packs and soffit lighting, the soffit is tucked in against the building completely blocked, meant to point down and I believe we have a wall pack on the loading zone again the same fixture to match the area lights, same idea, all flush down lit fixtures.

MR. MINUTA: Thank you, that's all been addressed.

MR. ARGENIO: I would like to make a motion for final

approval for Quick Chek Food Stores site plan subject to what the chairman is going to read into the minutes right now.

MR. PETRO: Is there a second?

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Quick Chek on the corner of Union Avenue and Route 32 subject to all of Mark's comments and everything else that we discussed tonight. The planning board should require that a bond estimate be submitted for this site plan in accordance with Chapter 137 of the Town Code. Basically, you're going to have this subject to Mark's comments, take all Mark's comments that you have on the sheet, make sure they're all corrected, that's the condition of approval. I'm not going to go over each one of them. And as I said earlier about the County as long as we don't hear back from the County that it's something major of course we feel that they're complied with, we've met their concerns with correspondence and we're going to move forward. SPEDES permit for the car wash is up to you, you have to get that done. Mark, do you feel I've left anything else out?

MR. EDSALL: No, I think the plan's in good shape and obviously with the minor corrections we need to take care of I'll work with them.

MR. PETRO: Roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. PETRO: Before I say yes, Andy, do you have anything?

MR. KRIEGER: No, I don't.

MR. ARGENIO: Motion was specific as to site plan, I don't believe that included special permit.

MR. PETRO: We did it together.

MR. EDSALL: Why don't you do another resolution just to make the record clear.

MR. ARGENIO: Do another resolution for special permit.

MR. PETRO: How come we didn't do them together?

MR. EDSALL: Probably cause I didn't catch you.

MR. PETRO: You didn't catch something?

MR. EDSALL: I didn't catch it.

MR. PETRO: I have a friend in Albany, New York, thought he was wrong once then he found out he was mistaken.

MR. EDSALL: Put up another resolution granting special permit.

MR. PETRO: Motion for special use permit.

MR. ARGENIO: Grant special use permit to operate the Quick Chek Food Stores on Union Avenue and 32.

MR. MINUTA: Second it.

MR. PETRO: What we'll do is that special use permit will run for an undetermined amount of time but if

there's a complaint or if there's a reason to review it this board has the power to reopen that special use permit and look into it. You understand that?

MR. GENESLAW: Yes.

MR. PETRO: We're not going to set it up for a year and you come back every single year.

MR. GENESLAW: Right we appreciate that again.

MR. PETRO: Fair enough, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

REGULAR_ITEMS: _____

AMERADA_HESS_(05-10) _____

Neil Alexander, Esq. from Cuddy & Feder appeared before the board for this proposal.

MR. PETRO: Proposed renovation of existing Dairy Mart to Hess Gas Station. This is not a public hearing, I think we've had a number of public hearings here, is that correct?

MR. ALEXANDER: That's correct, Jim. Just for the record, Neil Alexander, Cuddy & Feder and with me is Richard Harper and Andy Lautenbacher and David Dolnick (phonetic).

MR. PETRO: This application proposes redevelopment of the DB Mart to continue the use as retail and gasoline fuel sales, plan was previously reviewed at the 27 April, 2005 and 26 October, 2005 planning board meetings. It's an NC zone, it's a special use permit, the application was forwarded to ZBA for rear yard setback, parking and sign variances which are implemented on the plan, is that correct?

MR. ALEXANDER: That's correct.

MR. EDSALL: Actually moved the building so they removed the need for the rear yard, I believe.

MR. PETRO: That's correct.

MR. BABCOCK: That's correct.

MR. PETRO: The applicant has modified and corrected the plans in response to my previous comments, some additional minor corrections are still required as follows, handicapped detail, no parking sign directly in front of the access aisle relocated which is not a

problem, can even be handled through the building department, the proposed site plan does not speak to the location of the handicapped parking space, one is required, how did you leave that off?

MR. EDSALL: They actually show the crosshatched zone but they don't say which side is the handicapped, very minor, they just need to clean that up.

MR. MARTEL: We have a symbol there but we didn't follow that.

MR. EDSALL: It's burned out, that's what it might be on the prints, maybe just darken it.

MR. PETRO: Pursuant to the discussions at the public hearing, the applicant was asked to address comments, applicant's counsel has submitted a letter to the board dated 12/8/05, attached to Mr. Alexander's letter are a letter from the DEC dated 11/28/05 Handex (phonetic) Group site status report dated August, 2005 with attachments. What that basically is about we had a meeting with Hess, we being Mark Edsall and myself went over in detail the concerns of the public hearing, namely Mr. Surinsky, some of his concerns and adjacent property owners and we did receive the letter from the DEC which really kind of covers it. Mark, I'm going to let you go over that because that was the really the main crux of why we didn't move forward with this, in the clean-up status, we assume the position of lead agency for this site plan, this action is limited to the site plan and special permit action and in my opinion does not involve the ongoing clean-up on the site which is the DEC's jurisdiction.

MR. EDSALL: Mr. Chairman, just so the record's clear, we met with the applicant on November 21 and in effect what we did was we threw the burden on the applicant to show us via correspondence from DEC that what they're proposing in no way is a detriment to the continued

monitoring and clean-up as necessary to comply with DEC's activities at the site. They were able to contact DEC and DEC by letter dated November 28 has confirmed that they see no problem with this site being redeveloped. Further in our meeting we asked them to go beyond just promising that they would continue to clean up what DB Mart had started by giving the Town some guarantees and keeping the Town advised even though it's not our jurisdiction, have us be aware of what's happening, they have committed in their counsel's letter to number one post performance guarantee to cover the cost of Handex to finish the work.

MR. ARGENIO: In the form of a bond?

MR. EDSALL: I would suggest a letter of credit is the simplest way to handle it, so we would have that again we have no reason to believe they won't finish it but this is just further guarantee. Secondly, we asked that they go on record agreeing to every three months submitting an update on how the progress and the clean-up is proceeding, if there's any new information, they have agreed to do that. They have agreed to as well which we assume they would have to anyway but they have agreed if they run into any additional contaminated material that they obviously will so in accordance with DEC's regulations so we, again, the burden on them on November 21 to show us that they'll act as appropriate and also guarantee what might be not guaranteed to the Town now but guaranteed to the DEC and they have stepped up to the plate and agreed to do that. Further, I asked the counsel for Hess to advise us if they believe any of the activities that are proposed run contrary to a settlement agreement between Dairy Mart and Surinsky and they have reviewed those documents and it's their opinion that there's no inconsistencies. Last but not least I believe they have also indicated that no, I think that was it, we hit them with all these items to address, it seems that

everything from the November 21 meeting has been taken care of.

MR. PETRO: What we're going to do is do a negative dec but it's going to be exclusive of everything that we just discussed which is ongoing with the DEC, in other words, we're going to look at it as if it's a clean slate.

MR. EDSALL: I don't think you can do that, the point is that SEQRA says when you take an action, you have to review the impacts of that action, your action has nothing do with what the DEC has jurisdiction on and has already taken care of your action is purely that to deal with site plan approval and issuing a new special permit to this applicant.

MR. ARGENIO: So it's divorced of the whole thing to begin with?

MR. EDSALL: Exactly, your action has nothing to do with what DEC's environmental review is cause they theoretically have done their own environmental review of any action.

MR. PETRO: Any mechanism to have recourse if it doesn't proceed?

MR. EDSALL: Well, the bottom line is even if they did nothing with the site, meaning Dairy Mart or Hess, the clean-up jurisdiction doesn't fall with the Town, it falls with the DEC, they've gone one step beyond, they've given us a performance guarantee that ensures that even if someone stops paying Handex that there will be money to pay them so it can continue so they've gone over and above.

MR. PETRO: We're in better shape than they are today.

MR. EDSALL: Exactly right now we've got more

guarantees than what exists today.

MR. PETRO: You agree with that?

MR. SURINSKY: This is all new to me, I haven't heard too much about it.

MR. ARGENIO: We're quite a ways further.

MR. SURINSKY: I'd like to see all the things done that he discussed.

MR. PETRO: Basically, it's going to be bonded that they have to be cleaned up so I don't see a problem with it.

MR. SURINSKY: As long as it's cleaned up, I don't have a problem either.

MR. PETRO: A few bullets, the same as Quick Chek's across the street, we're not going to go over them, all you can clean them up with Mark, more housekeeping type, we're not going to hold this up because of a handicapped sign.

MR. ALEXANDER: Thank you.

MR. PETRO: The other thing again we haven't heard back from the Orange County Department of Health but--

MR. EDSALL: Planning.

MR. PETRO: You have it, Mark?

MR. EDSALL: I haven't seen anything from Planning.

MR. PETRO: We're go going to again if something comes up and it's a major problem then I'm not going to obviously I'm not signing the plan until we do hear but we're not going to hold you up tonight, we'll finish it

up and move on from there. Okay? Do any of the board members have any other comments? We've seen this a number of times.

MR. EDSALL: I would just ask that if you make it conditioned to my comments but also make sure you grant a special permit approval as well.

MR. ARGENIO: Do we have to negative dec on this thing first?

MR. BABCOCK: Yes.

MR. PETRO: Yes,

MR. EDSALL: You need a negative dec.

MR. ARGENIO: I'll make a motion we declare a negative dec on the Amerada Hess site plan.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the Nath New Windsor Planning Board declare a negative dec for the SEQRA process for the Amerada Hess site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. ARGENIO: I've got one thing quick, Andy, do you take exception to anything Mark said? Seems as though he's right on top of this.

MR. KRIEGER: No, I agree with him.

MR. ALEXANDER: One quick thing at the risk of hurting myself but the architecture issue we didn't finalize at the last meeting as to can you spend a minute or should we spend a minute or is that something that you want to delegate?

MR. PETRO: How about Mr. Minuta and you can do it at your leisure, if you make him happy, he don't come back to us and talk to us about it.

MR. ALEXANDER: I think there's been some questions about the surrounding area and I'm going to let Andy Lautenbacher talk about it. We'd really like to use brick, right, essentially?

MR. LAUTENBACHER: Correct, I e-mailed the elevations that you're looking at here to Mr. Minuta, he responded that it was a good effort but and so I, you know, I feel like we need to discuss it and as Mr. Alexander said, I would really like to do brick here. I did a little quick inventory today and most everything around us is red brick, most everything, I mean, there's a red brick house across the street, the building across the street which is going to be Quick Chek has red brick, there's a new building diagonally across the street that's red brick and stucco, two doors down the self-storage is red brick and stucco and I don't have an elevation to show you but I'm sure you've all seen the station on Route 300.

MR. MINUTA: I was there last night, they ran out of gas.

MR. LAUTENBACHER: That's the building I'm proposing otherwise we'll do this one, although I'd prefer to do the brick, this one we've never done this building before just architecturally although it's about to be done in Long Island, it's field stone on the bottom and

clapboard kind of cream color.

MR. PETRO: Otherwise all brick.

MR. LAUTENBACHER: What I prefer, yeah, is all brick like the one on 32.

MR. MINUTA: I have no objection to brick.

MR. LAUTENBACHER: Thank you very much. The building will be brick. Thank you.

MR. PETRO: I agree, I'd rather have it all brick than clapboard and stucco.

MR. MINUTA: The only question that I had was with regard to the glare same as we had for Quick Chek and that that would be addressed as well.

MR. LAUTENBACHER: Everything the guy from Bohler said ditto, they're all, the canopy lights are flush, the difference I think is that our canopy fascia is illuminated but will be subdued.

MR. PETRO: Motion for final approval.

MR. ARGENIO: I'm going to make a motion for final approval for Amerada Hess at the corner of Union Avenue and New York State Route 32 subject to what Mark read in earlier, Orange County Department of Planning and Mark's comments and the bond estimate.

MR. BABCOCK: Mr. Chairman, that would be for site plan and special permit?

MR. ARGENIO: Site plan and special permit approval, thank you, Mike.

MR. PETRO: One motion this time.

MR. MASON: Second that.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Amerada Hess Corporation site plan on Union Avenue and with the subject-tos that Mr. Argenio just read in and this is also for the special use permit and the same specifications for that special use permit will apply to you as I said earlier.

MR. ARGENIO: And the building will be brick.

MR. PETRO: Yes and that will run for no specific time but someone makes a complaint or there's a major problem at that time the special permit could be looked at and you'd be at risk of that. Any further comments from the board members? If not, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

December 14, 2005

48

DISCUSSION

SILVER_STREAM_ROAD

MR. MASON: One thing regarding Silver Stream Road, I don't know the last time you were up that road but it clearly is not a road for trucks. At some point, the Town is going to have to do something with that, I guess the Highway Department will redo it.

MR. PETRO: It's still under review, what we'll have to do is make mention of it.

RITA'S_ICE_CREAM

MR. EDSALL: I have one item. One quick item, Rita's Ice Cream, which is down 32 came to the workshop and was interested to see what would be required if they wanted to put a bench outside, small table because in the summertime, they get a lot of traffic sometimes people like to sit down. I told them generally if there's seating inside the building that the planning board with approval will let you put temporary seating outside not to exceed what's inside. Unique thing is Rita's has no inside seating. Then I said we have to look at the old site plan, Myra pulled out Napoli's Pizza and it appears there was a total of 44 seats approved for the total building. Mike and I believe that the adjacent business, Subway, has not even close to 44. With the board's permission, would you like let Mike and I work with her as long as she finds a location that doesn't obstruct traffic or is a danger as long as the total seating doesn't exceed what was already approved, let her go ahead in the spring?

MR. PETRO: Never had a problem there.

MR. MINUTA: Yeah, I think they need it.

MR. BABCOCK: What we want her to do is she has the picnic table on the outside of the bollards, she parks her car there so none of the kids can get hit by another car, but that's not the way you do it, you need to move the bollards out, put the picnic table behind that so she wants to get the approval, it's not her, I've already basically given her the approval but Rita's Ice the franchise has said we want an official document.

MR. EDSALL: Just wanted to get something in the record.

MR. PETRO: You're not dating her, are you?

MR. BABCOCK: No.

MR. ARGENIO: Do we have something to hang them from in case they violate?

MR. EDSALL: So the record will be that there's an acceptable modification?

MR. PETRO: Yes, acceptable.

MR. EDSALL: Thank you.

MR. PETRO: Anything else? Motion to adjourn?

MR. ARGENIO: So moved.

MR. MASON: Second it.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer 12/21/05

1

2

3